



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

Daniel Riesel
Sive Paget & Riesel P.C.
460 Park Avenue
New York, NY 10022

Dear Mr. Riesel:

Eric Schaaf asked me to respond on his behalf to your letters dated September 25, 2014 and November 5, 2014, and your email of November 6, 2014, regarding the Environmental Protection Agency's ("EPA's") decision to notify your clients, Charles Pufahl, Adchem Corporation, and Lincoln Processing Corporation, that they are potentially responsible parties ("PRPs") at the New Cassel/Hicksville Groundwater Contamination Site ("Site") and EPA's July 2014 invitation for your clients, along with other PRPs, to negotiate a settlement agreement and order on consent for, among other things, the performance of the remedial design for operable unit one and the remedial investigation/feasibility study for operable unit three at the Site.

Since issuing the notice letters in July 2014, Magistrate Judge Lindsay issued a decision granting summary judgment to your client Northern State Realty Company and Charles Pufahl, finding that Northern State Realty Company, a dissolved company, was not liable as an "owner" under Section 107(a) of CERCLA, 42 U.S.C. §9607(a). As such, EPA no longer considers Mr. Pufahl, the surviving partner of Northern State Realty Company, a PRP at the Site. Currently before Magistrate Judge Lindsay is your second summary judgment motion regarding Adchem's liability at the Site. EPA will await the Magistrate Judge's decision before making a decision as to whether to take this same action regarding Adchem.

Please note that EPA's notice letter and subsequent request to participate in settlement negotiations were simply that; notice of potential liability and an invitation to join negotiations. If your clients do not participate in the negotiations or refuse to sign the settlement agreement, EPA, at that time, will make a decision as to whether to pursue your clients further. EPA has yet to make any decisions as to whether we would take further action against your clients.

If you have any questions, please do not hesitate to call me at 212-637-3158.

Sincerely yours,

Thomas Lieber, Chief
New York/Caribbean Superfund Branch
Office of Regional Counsel

Sincerely,

Sharon E. Kivowitz
Assistant Regional Counsel